

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

First Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael P. Driver

Case Number: 4:07CR00230-1 ERW

Name of Sentencing Judicial Officer: The Honorable E. Richard Webber
Senior United States District Judge

Date of Original Sentence: November 2, 2007

Original Offense: Felon in Possession of a Firearm

Original Sentence: 84 months imprisonment, to be served concurrently with Docket Number CR1998-00821, and two years supervised release. On April 17, 2014, term of supervised release revoked and sentenced to four months imprisonment and 32 months supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: June 10, 2014
Expiration Date: February 9, 2017

Assistant U.S. Attorney: Thomas J. Mehan

Defense Attorney: Caterina M. DeTraglia

PETITIONING THE COURT

[X] To amend the petition.

The probation officer believes it erred is citing the defendant with a violation of the General Condition, "The defendant shall not commit another federal, state, or local crime" which was based on evidence gathered from the August 9, 2016, search of the defendant's residence, and the probation office has removed this violation condition from this petition.

Violation Number

Standard Condition #9: The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.

Standard Condition #1: The defendant shall not leave the judicial district without the permission of the Court or probation officer.

Nature of Noncompliance

On August 5, 2016, a Court approved search of Michael P. Driver's residence was conducted. Various items were seized, including three cellular phones and a tablet. Forensic analysis was conducted on each

device. The first phone was identified as a Samsung Galaxy S6 registered with the same phone number on file with the probation office. The following email accounts were found on this phone: sirshade76@gmail.com, ankshade@gmail.com, and mpdriver76@gmail.com. Driver has previously emailed the undersigned officer from ankshade@gmail.com and mpdriver76@gmail.com. It should be noted, Driver's nickname is "Shade." Driver corresponded with a person via email address sirshade76@gmail.com through Craigslist. This email exchange took place on August 4, 2016, between 4:57 AM and 6:36 AM. Although the entire emails were not retrieved, the amount of information recovered in each email would indicate Driver was attempting to purchase a prostitute with both cash and drugs. In these emails to the recipient, Driver discusses compensation and "skates." "Skates" is a slang term for methamphetamine. On June 22, 2016, at 4:59 AM the sirshade76@gmail.com account received an email from Craigslist.com with the subject line of "POST/EDIT/DELETE: Up All Night Spun Tight m4m - m4mw - m4t (casual encounters)." This is an automatic response from Craigslist to the registered email address for a person who posted the advertisement. Also on June 22, 2016, the sirshade76@gmail.com account was used to respond to post titled: "24 yo swf lookin to PNP this morning:)" and "yea I need Blow -w4m." These emails were sent at 5:49 AM and 8:38 AM respectively.

Numerous text messages, some of which were deleted, were found to be of concern. Specifically, on July 13, 2016, contact Cheryl Wirtel texted at 4:58 PM, "Coke in." It should be noted, Driver is currently residing with Wirtel. Numerous text messages were exchanged with contact "Q." Many of these text messages appear to be discussing drugs and/or drug sales. One text message Driver sends to Q states: "\$175 for an eight ball." Other messages they discuss getting "high" together and having a sexual relationship. Driver has numerous text conversations with contact Scotty, which appear to be discussing drug purchases and sales. Specifically to these conversations, on July 20, 2016, Driver states "Yeah, half for \$50," and then states "How short? I didn't even really look at it." Driver later states he told "Byrd" that "it wasn't right." On July 22, 2016, Driver tells Scotty he is "gonna deal with Byrd instead of George this tim." (This message was recovered from the deleted texts and was not fully recovered.) Numerous deleted text messages were recovered between Driver and contact Byrd. These text messages take place between July 22, 2016, and August 5, 2016, and are possibly indicative of drug sales. Specifically on July 20, 2016, Driver sends a text message at 11:07 AM stating "Half." At 1:57 PM Driver tells Byrd he is "on his way." July 22, 2016, at 9:20 AM, Driver texted Byrd and stated "Im need one order of \$50 and another order of \$40." On July 29, 2016, at 5:06 PM Driver texts Byrd "not much.... have some fiire icecream over here." At 5:31 PM, Driver texts Byrd "just as soon as i sale a half.... or if you want i." (This message was recovered from the deleted texts and was not fully recovered.) Between July 30, 2016, and August 4, 2016, Driver exchanged texts with contact Stretch. These text messages indicate Stretch was traveling to the St. Louis area. Stretch stated he would have to pass Six Flags to get to St. Louis, probably indicating he was traveling up Interstate 44. Stretch apologizes to Driver for taking an "extra couple days." Driver responds by saying "not an issue. Wasn't huring for any \$\$\$ this go ro." (This message was recovered from the deleted texts and was not fully recovered.) Accurint reveals Stretch's phone number is registered to a Stephanie Forno, 2585 Guildford Drive, Florissant, MO 63033. On August 4, 2015, at 8:43 PM, Driver received a text message from contact Walters Terry stating "Dakota is no his way to YOU and has his gun." Driver exchanges texts with contact Dakota on August 5, 2016, at 1:24 AM, and tells him "gonna need another one of them about 9 a.m. I regr." (This message was recovered from the deleted texts and was not fully recovered.) Dakota responds on the same date at 2:39 AM with "It's okay and it's only human instinct natural wonder but you should know that I'm not going to f*** you I'm not going to talk to people around you I

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wonder what respect is and how to use it some people deserve it and some people don't Marjorie respect me I respect you I apologize for the time frame that might happen later on down the line I apologize ahead of time." Previous conversation with Dakota occurred with a contact labeled Ashley/Dakota.

The second phone was identified as a Samsung Galaxy S4. There was no email, or any other application, accounts setup on this phone. A few images of concern were found on this phone. Images of the Facebook post by Jake Offten, Banishing Driver and two others, Dave Bequette (Driver's former roommate) and John Roxburgh, from the Sadistic Souls Motorcycle club. Another image is a screenshot of a Facebook account for Jim Barzee's family and relationships. Another image shows a screenshot of a Jeanne Barzee's wall post announcing the birth of Aiden Michael McGiffen on March 8, 2007. This is of interest as Dennis McGiffen is cited as the founder of the Sadistic Souls. News articles report Dennis McGiffen as previously being a leader of a Ku Klux Klan group in Southern Illinois, prior to be arrested by the Federal Bureau of Investigation (FBI) and later convicted of federal firearms charges. Sadistic Soul Motorcycle Club photographs were also located on this phone. Through the search of Driver's residence and the analysis of both cellular devices, it appears Driver is actively involved in the Sadistic Souls Motorcycle Club, where he is ranked as "president," and also the Ku Klux Klan. Although this is not a violation of his terms of supervised release, per se, it is being noted to the Court.

The third phone was identified as a Samsung Galaxy S5. Examination of the phone revealed numerous accounts setup on the phone. Specifically, Driver utilized email accounts ankshade@gmail.com and mpdriver76@gmail.com. The mpdriver76@gmail.com account was also used for Google resources, like Google Drive. A Facebook account was identified as having account number 100003906285868 (revealed as username Michael Driver). Analysis revealed an Instagram account under the name "ankshade" associated with the ankshade@gmail.com address. Autofill information revealed the email addresses: ssshade@sadisticsoulsmc.org. Cellular tower records revealed that on at least April 16, 2016, the phone traveled to Taylorville, Illinois, and returned to the St. Louis, Missouri area on April 17, 2016. Numerous chat messages were recovered. Most of these messages were recovered from Facebook Messenger. One of the messages, dated February 4, 2016, was between Driver's Facebook account and Sschuck Tyrson account. In this conversation, Tyrson identifies himself as a Sadistic Soul and states he is on home confinement until May. On March 6, 2016, Driver had a conversation with Dexter McCloud. In this conversation, McCloud states he just got out of jail again, after being indicted by the state. On April 9, 2016, Driver states he just got out of "church" with the club, and was heading home before going to the Invaders clubhouse in Moscow Mills, Missouri. Analysis of the emails revealed numerous drug references through posts on Craigslist.com. Most of these posts appear to be posted by Driver, or his girlfriend Taylor. On May 29, 2015, an email was received for account mpdriver76@gmail.com from CorrLinks for inmate Tonya Jo Richardson. Also on this date, the CorrLinks application was installed on this phone.

The tablet was identified as a Verizon Ellipsis 7 with a telephone registered to the device. There is one email account setup on the tablet which is sirshade76@gmail.com. Further manual inspection of the tablet revealed an email conversation on August 4, 2016, between sirshade76@gmail.com and a Craig's List user. The entire conversation is captured in the application. The message starts off with Driver responding to the ad identifying himself as a 39 year old white male that is interested. He requested the person text him and he provides a phone number. They then continue to exchange emails where Driver negotiates a price of \$60, plus he will bring "Skates" or "icecream." It ends with the original poster of the ad assuring Driver that he or she is not a police officer. They go on to say that they like "icecream,"

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but prefer coke. The respondent then gives Driver their phone number and tells him they are available Friday or Saturday.

Driver has not been interviewed regarding his noncompliance.

Violation Number

General Condition: The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.

Standard Condition #7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

Special Condition: The defendant shall refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of commencement of supervision and at least two periodic drug tests thereafter for use of a controlled substance.

Nature of Noncompliance

On August 13, 2016, Michael P. Driver submitted to a random drug test, located at Avertest, in St. Louis, Missouri, and the results were positive for the use of amphetamines.

On August 15, 2016, when interviewed regarding his noncompliance, Driver admitted to use of methamphetamine on August 4, 2016, but denied more recent use of any illegal controlled substances. His drug test has been sent for confirmation.

On August 17, 2016, Michael P. Driver submitted to a random drug test, located at Avertest, in St. Louis, Missouri, and the results were positive for the use of amphetamines.

On August 18, 2016, when interviewed regarding his noncompliance, Driver denied use of any illegal controlled substances, again stating he last used on August 4, 2016. He also indicated he took a store bought drug test prior to his scheduled drug test, and the results were negative for methamphetamine. His drug test has been sent for confirmation.

Previous Violations

On February 27, 2015, a violation report was submitted to the Court after Driver overdosed on heroin, submitted to a random drug test that was positive for the use of heroin, failed to submit to a random drug test, and failed to submit complete written monthly reports. Driver was reprimanded and his treatment plan was amended to include increased integrated treatment sessions, in addition to, increased drug testing.

July 12, 2016, a violation report was submitted to the Court after Driver tested positive for the use of amphetamines, failed to submit to random drug testing, and failed to submit complete written monthly reports. In addition to the amendment of Driver's integrated treatment plan, he was instructed to attend

weekly Narcotics Anonymous (NA) meetings. Additionally, Driver received a letter of reprimand from the Supervising U.S. Probation Officer.

On August 8, 2016, Driver's conditions of supervised release were modified to include a three month placement on location monitoring after a soda can with methamphetamine residue and a syringe was located in his bedroom, after it was discovered he was corresponding with a convicted felon , without permission, who was currently in Bureau of Prisons's custody, after a knife and brass knuckles were seized from his bedroom, and after it was discovered Driver left the district on several occasions without permission.

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U.S. Probation Officer Recommendation:

The probation office recommends that the petition be amended.

From the items seized and analyzed from the search of Driver's residence, it appears he is involved in new criminal conduct. Additionally, he has commenced his use of methamphetamine, despite substance abuse treatment, and has traveled outside of the district without permission.

The Supervised Release should be
[X] revoked.

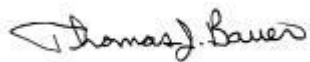
I declare under penalty of perjury that the foregoing
is true and correct.

Executed on August 5, 2016

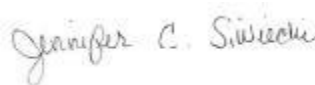
Approved,

Respectfully submitted,

by



by



Thomas J. Bauer
Supervising U.S. Probation Officer
Date: August 18, 2016

Jennifer C. Siwiecki
U.S. Probation Officer
Date: August 17, 2016

THE COURT ORDERS:

- ☐ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
 Appearance Date:
 Appearance Time:
 Courtroom Number:
☒ **Other: To Amend the Petition**



Signature of Judicial Officer

August 26, 2016

Date